

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD JOHNSTON,

Plaintiff

V.

DR. MARTIN NAUGHTON,

Defendant

Case No.: 3:22-cv-00080-MMD-CSD

Order

Re: ECF No. 73

Before the court is Plaintiff's motion for an order directing Defendant to produce

10 documents to the court under seal. (ECF No. 73.) Defendant filed a response. (ECF No. 78.)

11 On September 26, 2022, the court issued an order requiring Defendant to file an update
12 on or before October 21, 2022, regarding the status of Plaintiff's appointment with Dr. Ichino,
13 and any update regarding the placement of Plaintiff's spinal cord stimulator. (ECF No. 59.)

14 On October 20, 2022, Defendant filed a notice advising the court that Plaintiff was
15 approved by the Utilization Review Panel to see Dr. Ichino at Renown, and the Northern Nevada
16 Correctional Center (NNCC) scheduler contacted Renown, and Plaintiff is scheduled to see Dr.
17 Ichino before the end of the year. (ECF No. 71.)

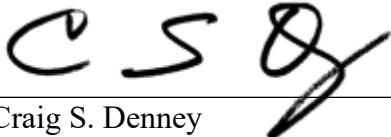
18 In this motion, Plaintiff claims that Defendant's notice is vague, and as a result, he asks
19 the court to direct counsel to file under seal the prison's consult/referral appointment medical
20 document (form DOC 2656), which will advise the court of the date of the request, the referral
21 by which doctor, the authorization date, and the appointment date. (ECF No. 59.)

1 In his response, Defendant states that he does not necessarily oppose Plaintiff's motion,
2 but he argues the request is improper because the request was not made in discovery, and
3 Plaintiff did not meet and confer before filing the motion. (ECF No. 78.)

4 The court asked Defendant to provide an update regarding the status of Plaintiff's
5 appointment with Dr. Ichino, and Defendant complied. The court takes as true the representation
6 made in the declaration accompanying the notice that Plaintiff is scheduled to see Dr. Ichino
7 before the end of the year. It is not necessary for Defendant to file the referral/appointment form
8 with the court. Therefore, Plaintiff's motion (ECF No. 73) is **DENIED**. The court will require
9 Defendant to file another status update regarding the outcome of Plaintiff's appointment with Dr.
10 Ichino and any other update regarding the placement of the spinal cord stimulator with the court
11 on or before **January 10, 2023**.

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13 **IT IS SO ORDERED.**

14 Dated: November 29, 2022


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16 Craig S. Denney
United States Magistrate Judge

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